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In re Application of	:	
FINI et al.	:	
Application No.: 10/018,899	:	DECISION ON
PCT No.: PCT/US00/06164	:	
Int. Filing Date: 09 March 2000	:	PETITION UNDER
Priority Date: 12 March 1999	:	
Attorney Docket No.: MALCC 59155	:	37 CFR 1.137(b)
For: FACE OR NOSE MASK FOR	:	
NON-INVASIVE VENTILATION OF PATIENTS	:	
IN GENERAL	:	

This decision is in response to applicant's "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)" filed 17 December 2001.

BACKGROUND

On 09 March 2000, applicants filed international application PCT/US00/06164, which claimed a priority date of 12 March 1999. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 14 September 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 22 September 2000, which was within nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 12 September 2001.

On 17 December 2001, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee, the surcharge under 37 CFR 1.492(e) for providing the oath or declaration later than thirty months from the priority date, and the instant "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)".

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

- (1) The required reply;

- (2) The petition fee;
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicants submitted the basic national fee on 17 December 2001.

As to item (2), applicants submitted the petition fee of \$1,280.00 on 17 December 2001.

With regard to item (3), petitioner has provided the required statement.


A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

Please direct any further correspondence with respect to this matter to the Commissioner of Patents and Trademarks, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an oath or declaration in compliance with 37 CFR 1.497(a)-(b).


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